

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 230**

SENATOR MAYNARD, *original sponsor*

[Passed March 10, 2018; in effect from passage]



1 AN ACT to amend and reenact §64-10-1, §64-10-2, §64-10-3, and §64-10-4 of the Code of West  
2 Virginia, 1931, as amended, relating generally to the Department of Commerce;  
3 authorizing certain agencies to promulgate rules as filed, modified, and amended by the  
4 Legislature; repealing a rule; authorizing the Division of Natural Resources to promulgate  
5 a legislative rule relating to controlling the public land corporation's sale, lease, exchange,  
6 or transfer of land or minerals; authorizing the Division of Natural Resources to promulgate  
7 a legislative rule relating to hunting, fishing, and other outfitters and guides; authorizing  
8 the Division of Natural Resources to promulgate a legislative rule relating to general  
9 hunting; authorizing the Division of Natural Resources to promulgate a legislative rule  
10 relating to special migratory game bird hunting; authorizing the Division of Natural  
11 Resources to promulgate a legislative rule relating to miscellaneous permits and licenses;  
12 authorizing the Division of Labor to promulgate a legislative rule relating to Zipline and  
13 Canopy Tour Responsibility Act; authorizing the Division of Labor to promulgate a  
14 legislative rule relating to bedding and upholstered furniture; authorizing the Division of  
15 Labor to promulgate a legislative rule relating to Amusement Rides and Amusement  
16 Attractions Safety Act; authorizing the Division of Labor to promulgate a legislative rule  
17 relating to Elevator Safety Act; authorizing the Division of Labor to promulgate a legislative  
18 rule relating to employer wage bonds; authorizing the Division of Labor to promulgate a  
19 legislative rule relating to registration of service persons and service agencies; authorizing  
20 the Division of Labor to promulgate a legislative rule relating to registration of weighing  
21 and measuring devices used by businesses in commercial transactions; authorizing the  
22 Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to  
23 operating diesel equipment in underground mines in West Virginia; and repealing the  
24 Division of Energy legislative rule relating to community development assessment and  
25 real property valuation procedures for Office of Coalfield Community Development.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 10. AUTHORIZATION FOR DEPARTMENT OF COMMERCE TO  
PROMULGATE LEGISLATIVE RULES.**

**§64-10-1. Division of Natural Resources.**

1 (a) The legislative rule filed in the State Register on July 28, 2017, authorized under the  
2 authority of §20-1A-1 of this code, relating to the Division of Natural Resources (controlling the  
3 public land corporation's sale, lease, exchange, or transfer of land or minerals, 58 CSR 2), is  
4 authorized.

5 (b) The legislative rule filed in the State Register on July 28, 2017, authorized under the  
6 authority of §20-1-7 of this code, modified by the Division of Natural Resources to meet the  
7 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
8 December 18, 2017, relating to the Division of Natural Resources (hunting, fishing, and other  
9 outfitters and guides, 58 CSR 11), is authorized.

10 (c) The legislative rule filed in the State Register on July 28, 2017, authorized under the  
11 authority of §20-1-7 of this code, relating to the Division of Natural Resources (general hunting,  
12 58 CSR 49), is authorized.

13 (d) The legislative rule filed in the State Register on July 28, 2017, authorized under the  
14 authority of §20-1-7 of this code, relating to the Division of Natural Resources (special migratory  
15 game bird hunting, 58 CSR 56), is authorized.

16 (e) The legislative rule filed in the State Register on July 28, 2017, authorized under the  
17 authority of §20-1-7 of this code, relating to the Division of Natural Resources (miscellaneous  
18 permits and licenses, 58 CSR 64), is authorized.

**§64-10-2. Division of Labor.**

1 (a) The legislative rule filed in the State Register on July 27, 2017, authorized under the  
2 authority of §21-15-6 of this code, relating to the Division of Labor (Zipline and Canopy Tour  
3 Responsibility Act, 42 CSR 10), is authorized.

4 (b) The legislative rule filed in the State Register on July 27, 2017, authorized under the  
5 authority of §47-1A-15 of this code, relating to the Division of Labor (bedding and upholstered  
6 furniture, 42 CSR 12), is authorized.

7 (c) The legislative rule filed in the State Register on July 27, 2017, authorized under the  
8 authority of §21-10-3 of this code, relating to the Division of Labor (Amusement Rides and  
9 Amusement Attractions Safety Act, 42 CSR 17), is authorized.

10 (d) The legislative rule filed in the State Register on July 27, 2017, authorized under the  
11 authority of §21-3C-11 of this code, relating to the Division of Labor (Elevator Safety Act, 42 CSR  
12 21), is authorized, with the amendments set forth below:

13 On page 5, subsection 8 to read as follows:

14 ~~7.3.a.~~ 8.1. The fee for ~~the an~~ inspection of ~~each an~~ elevator by ~~the a~~ Division inspector is  
15 shall be \$100.00.

16 ~~7.3.b.~~ 8.2. The Division's fee for the inspection of more than one elevator in a building is  
17 \$100.00 for the first elevator inspected and \$25.00 for each additional elevator inspected.

18 ~~7.3.c.~~ 8.3. If changes or repairs are required prior to the issuance of a certificate of  
19 operation, the Division shall not charge an inspection fee ~~will not be charged by the Division~~ for  
20 the first follow-up inspection.

21 ~~7.3.d.~~ 8.4. If subsequent follow-up inspections are required because of the owner's or  
22 operator's failure to make the required repairs or changes, the Division's inspection fees shall be  
23 ~~charged at the same rates as~~ set forth in ~~subdivisions~~ subsections ~~7.3.a.~~ 8.1 and ~~7.3.b.~~ 8.2 of this  
24 rule for each subsequent follow-up inspection.

25 ~~7.3.3.~~ 8.5. If an owner or operator fails ~~The failure~~ to pay the required inspection fee, is  
26 ~~sufficient grounds for the Division~~ Commissioner shall ~~to~~ withhold the issuance of a certificate of  
27 operation until the fee is paid.

28 (e) The legislative rule filed in the State Register on July 27, 2017, authorized under the  
29 authority of §21-5-13 of this code, relating to the Division of Labor (employer wage bonds, 42  
30 CSR 33), is authorized.

31 (f) The legislative rule filed in the State Register on July 27, 2017, authorized under the  
32 authority of §47-1-3 of this code, relating to the Division of Labor (registration of service persons  
33 and service agencies, 42 CSR 35), is authorized, with the amendments set forth below:

34 On page one, subsection 1.1 to read as follows:

35 1.1. Scope. – This rule governs the voluntary registration of service persons and service  
36 agencies, and the issuance of certificates of registration.;

37 On page one, subsection 3.2 to read as follows:

38 3.2. “Certificate of registration” means the document issued by the Division of Labor upon  
39 receipt of a complete application from a service person or service agency.;

40 On page four, subsection 6.1. to read as follows:

41 6.1. A service person desiring to register with the Division shall submit a written application  
42 requesting that he or she be registered, and shall provide all information as the Commissioner  
43 may require on a form supplied by the Division, and shall include the documentation required in  
44 section 7 of this rule.;

45 On page four, subsection 6.2. to read as follows:

46 6.2. A service agency desiring to register with the Division shall submit a written application  
47 requesting that the agency be registered, and shall provide all information as the Commissioner  
48 may require on a form supplied by the Division, including the documentation required in section  
49 7 of this rule, and a sample security seal required in section 8 of this rule.;

50 On page four, striking subsection 6.3. in its entirety, and renumbering the remaining  
51 subsections.;

52 And,

53 On page five, striking section 7 in its entirety, and renumbering the remaining sections.

54 (g) The legislative rule filed in the State Register on July 27, 2017, authorized under the  
55 authority of §47-1-3 of this code, modified by the Division of Labor to meet the objections of the  
56 Legislative Rule-Making Review Committee and refiled in the State Register on December 8,

57 2017, relating to the Division of Labor (registration of weighing and measuring devices used by  
58 businesses in commercial transactions, 42 CSR 36), is authorized, with the amendments set forth  
59 below:

60 On page 1, subsection 1.1. to read as follows:

61 1.1. Scope. — This rule governs the registration of weighing and measuring devices  
62 used by businesses in commercial transactions, and the issuance of certificates of device  
63 registration.;

64 On page 1, subsection 3.1., striking the words “and payment of the required fee for each  
65 weighing or measuring device used in commercial transactions”;

66 On page 2, subsection 5.1., striking the words “and shall pay the applicable registration  
67 fee as prescribed in section 6 of this rule”;

68 On page 2, striking subsection 5.3. in its entirety, and renumbering the remaining  
69 subsections.;

70 On page 2, striking section 6 in its entirety, and renumbering the remaining section.;

71 On page 3, striking Appendix A in its entirety.;

72 And,

73 On page 4, striking Appendix B in its entirety.

**§64-10-3. Office of Miners’ Health, Safety, and Training.**

1 The legislative rule filed in the State Register on July 27, 2017, authorized under the  
2 authority of §22A-2A-308 of this code, relating to the Office of Miners’ Health, Safety, and Training  
3 (operating diesel equipment in underground mines in West Virginia, 56 CSR 23), is authorized.

**§64-10-4. Division of Energy.**

1 The legislative rule effective on July 1, 2010, authorized under the authority of §5B-2A-12  
2 of this code, relating to the Division of Energy (community development assessment and real  
3 property valuation procedures for office of coalfield community development, 207 CSR 1), is  
4 repealed.





The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2018.

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*Governor*